

TITLE 11 DEPARTMENT OF HEALTH - CHAPTER 5
ENVIRONMENTALLY-RELATED ILLNESS AND INJURY REPORTING

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§11-5-1 Purpose.

The purpose of this chapter is to state requirements for health care professionals and laboratory directors to report to the department, the diagnosis of any person afflicted with a designated environmentally-related illness or injury. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-317) (Imp: HRS §§321-1, 321-317)

§11-5-2 Definitions.

As used in this chapter:

"Case" refers to a person who has been diagnosed to have any of the diseases or conditions specified in table 1. "Reportable Environmentally-Related Illnesses and Injuries."

"Department" means the department of health of the State of Hawaii.

"Director" means the director of the department of health or his duly authorized agent who may be the deputy director for environmental health administration.

"Environmentally-related illnesses and injuries" are those adverse health effects associated with exposure to any of the designated agents listed in table 1 at the end of this chapter. Illnesses and injuries resulting from occupational exposure to the agents listed in table 1 would also be included under the same heading, "environmentally-related illnesses and injuries."

"Health care professional" means a physician as licensed under chapter 453 HRS or an osteopath as licensed under chapter 460 HRS. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-317) (Imp: HRS §§321-1, 321-312, 321-313, 321-317)

§11-5-3 Reporting requirements.

(a) Report by physicians: any health care professional who has primary responsibility for the treatment of an individual who is suffering from environmentally-related illness or injury shall report the occurrence of such illness to the department of health on Oahu. Any health care professional diagnosing and reporting any such illness or injury shall do confirmatory laboratory testing whenever possible to ascertain the agent that caused the condition and the nature of exposure. Health care professionals shall report diagnosed cases to the department as specified in table 1 entitled "Reportable Environmentally-Related Illnesses and Injuries." The department shall provide forms for reporting these conditions. Reports provided to the Department of Health on persons diagnosed to be suffering from an environmentally-related illness or injury shall be kept confidential and are not open for public inspection.

(b) Report by laboratories: every laboratory director having abnormal laboratory data regarding an individual affected by a designated toxic substance shall report such data to the Department of Health and attending physician as specified in table 1 entitled "Reportable Environmentally-Related Illnesses and Injuries." Laboratory notifications herein shall be kept confidential and are not open for public inspection. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-2, 321-9, 321-317) (Imp: HRS §§321-311, 321-312, 321-313, 321-314, 321-315, 321-317)

§11-5-4 Reportable environmentally-related illnesses and injuries and condition for control.

The diseases listed or described in table 1 entitled "Reportable Environmentally-Related Illnesses and Injuries," located at the end of this chapter are declared by the director to be potentially dangerous to public health and shall be reported to the department as specified to provide information to assist in prevention efforts. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-317) (Imp: HRS §§321-311, 321-314, 321-317)

§11-5-5 Immunity from liability.

In the event where confirmatory laboratory testing of the suspected agent is not possible or in cases of laboratory error, neither the reporting physician or laboratory director will be held legally liable for any error in reporting such a case, should the condition prove later to be due to another etiologic agent. Therefore, any health care professional or laboratory director who complies with this chapter shall not be held civilly or criminally liable for providing best obtainable information or diagnosis required under this chapter [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-316, 321-317) (Imp: HRS §§321-316, 321-317)

§11-5-6 Penalty.

Every person who willfully violated any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined not more than one thousand dollars. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-18, 321-317) (Imp: HRS §321-317)

§11-5-7 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the application of such provision to other persons or circumstances, and the remainder of this chapter shall not be affected thereby. [Eff. OCT 04 1990] (Auth: HRS §§321-1, 321-9, 321-317) (Imp: HRS §321-317)

Table 1. "Reportable Environmentally-Related Illnesses and Injuries".

The conditions listed in Table 1 may represent a potential threat to public health and each case shall be reported to the Department of Health.